Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	**)**	
	)	
Delete, Delete, Delete	**)**	DA Docket No. 25-219

COMMENTS ON DELETION OF OBSOLETE, UNNECESSARY OR RESTRICTIVE RULES IN FCC PART 97 AMATEUR RADIO SERVICE

The Federal Communications Commission has instituted a proceeding to eliminate rules and regulations that are outdated, repetitive or limit the use of the nation's communications resources.

The Communications Volunteer Institute (CVI) a 501(c)3 nonprofit corporation that researches impediments to volunteerism among Radio Amateur licensees and other communications volunteers in emergencies, submits these comments. As its Chief Executive, Edward A. Schober, PE, a radio communication consulting engineer, and Extra Class Amateur Radio Licensee, W2TED.

Our proposal for deletions and simplifications of FCC Part 97 Amateur Radio Rules. They are the result of research into regulations that inhibit volunteerism by Amateur Radio Operators. It also results from recognizing rules which restrict the service without fulfilling a valid regulatory purpose.

There are several references to amateur stations operating in RACES. The operator licensees of these stations are enrolled as volunteers or employees of emergency management organizations, government jurisdictions. To be effective, their amateur stations must have some restrictions appropriate for normal day-to-day amateur operation removed. This is to serve as effective resources during emergencies.

One purpose of the Amateur Radio Service is public service, particularly in emergencies. There are thousands of amateur radio licensee volunteers who provide countless hours of service to their communities, especially in disasters. There are several restrictive rules that limit effectiveness of these volunteers. These comments provide some common sense revisions that will make the amateur radio volunteers more valuable to the emergency response community. Our research has permitted us to propose changes that have been "fleshed out" so the FCC staff can implement these changes with minimal effort. They can be adjusted in ways that the FCC determines is more favorable. We believe that the changes proposed within these comments are noncontroversial and will receive positive support within the amateur radio community.

Communications Volunteer Institute strongly objects to deregulation of the Amateur Radio Service permitting commercial interests to "share" the service. We do encourage the use of the Amateur Radio Service to facilitate all response to disasters and other emergencies by government jurisdictions and by disaster relief NONPROFIT organizations, even if it involves assisting contractors to deliver services and goods to disaster areas. We also believe that amateur radio operators should be covered by liability and "workman's compensation" in the case of accidents in their service during actual disasters and emergencies. Employees of government and nonprofit disaster relief organizations should be permitted to receive compensation from these organizations or their regular third party employer when they serve for extended deployments.

Commnications Volunteer Institute strongly objects to any licensing scheme for the Amateur Radio Service similar to that of the GMRS service where individuals 'buy' a license for their family. It may be appropriate to expand the number of GMRS frequencies in the future, but not by sharing or taking of Amateur Frequencies. There are plenty of unused low band LMRS frequencies that are underused for any such expansion.

The Amateur Radio Service should be focused upon the successful mastery of radio communications concepts and skills for licensing, not 'buying' a license.

It is essential that the present amateur bands are maintained, and hopefully expanded, in the 3 to 7.5 MHz range for NVIS use and in the low microwave bands from 902 MHz through 10 GHz to provide temporary connectivity when commercial and public safety communications are down. Auxiliary communications save lives and communities when it provides the links that permit effective response to occur.

The noise and interference environment in the MF and HF radio bands has degraded as more unintentional radiators have been imported that do not meet FCC Part 15 regulations. One source of this noise pollution, in my experience, is that some of these devices, while certified as compliant by measurement of samples, are manufactured with the filtering components omitted from the production units. There should be stiff penalties for importing devices marked as compliant where the filtering devices have been omitted from units that are imported.

Another danger to the HF bands are proposed stations to be used for "high speed trading" where commands to purchase and sell securities are sent by HF radio. These stations are of no value to society. They will enable fraud where trades can be made by these trading houses milliseconds before a legitimate trade takes place. This is a form of insider trading and should not be permitted. The experimental high-speed trading stations generate a high-power wide band signal "polluting" a frequency span as wide as some entire amateur bands. These stations, if authorized in number, will despoil the utility of the HF spectrum for military, amateur and legitimate public and private use while enabling a form of exploitive securities trading that brings no wealth to the nation.

We propose specific reduction and changes to the regulation of amateur radio below:

1) Amateur radio licenses should be issued for a lifetime term. Renewal of amateur licenses is an unnecessary administrative burden for FCC staff. There are sufficient provisions for eliminating licenses from deceased persons in the rules. The administrative burden of maintaining licenses for a few years after a licensee's death is minor, and the effort to achieve this is minimal. It could be implemented by setting the expiration date of amateur licenses to 110 years in ULS after initial grant.

Remove §97.21(a)(3) and §97.21(b)

Amend 97.21(c)

~~Except as provided in paragraph (a)(3) of this section, a~~ **A** call sign obtained under the sequential or vanity call sign system will be reassigned to the station upon ~~renewal or~~ modification of a station license.

Amend §97.25 to

An amateur service **primary l**icense is normally granted for **a lifetime term. Club and Military Recreation licenses are granted concurrent with the term of the amateur licensee listed as trustee or custodian, plus 30 days.**

2) License documents can be printed from ULS website. There is no need to request copies from the FCC.

Remove §97.29

3) Automatic control is defined for each class of station. There is no need to duplicate it.

Remove second sentence of §97.109(d)

4) Compensation of amateur radio control operators during actual emergencies and recovery and exercises should be permitted. (Completely rewritten below)

Amend §97.113(a)(3)(i) to read

A volunteer or employee who is an amateur radio station licensee or station control operator may be reimbursed out-of-pocket expenses and provided liability and/or worker's compensation insurance as permitted by law when operating in RACES as a control operator and responding to emergencies, preparedness or government authorized disaster readiness exercises, and tests or drills. Compensation of employees for exercises, tests or drills are limited to the duration and scope of such exercise, test or drill, and operational testing immediately prior to such test or drill. Tests or drills that are not government-sponsored are limited to a total time of one hour per week; except that no more than twice in any calendar year, they may be conducted for a period not to exceed 72 hours.

5) Amateur stations operating in RACES should be permitted to make transmissions needed to protect life and property and expedite recovery in emergencies.
Amateur stations operating in RACES should be able to provide temporary communications channels as needed in emergencies.

Amend §97.113(b) to read

An amateur station, **other than an amateur station operating in RACES,** shall not engage in any form of broadcasting, nor ~~may an amateur station~~ transmit one-way communications except as specifically provided in these rules; nor ~~shall an amateur station~~ engage in any activity related to program production or news gathering for broadcasting, except that communications directly related to the immediate safety of human life or the protection of property or **by amateur stations operating in RACES during actual emergencies or government sponsored exercises** may be provided by amateur stations to broadcasters for dissemination to the public where no other means of communication is reasonably available before or at the time of the event.

Amend §97.113(c) to read

No station shall retransmit programs or signals emanating from any type of radio station other than an amateur station, **except in the following cases:**

(1) Amateur stations operating in RACES during actual emergencies, tests or government sponsored exercises may retransmit signals emanating from other FCC authorized or United States radio stations and units that are participating in the emergency response or exercise. Stations and units participating with an amateur station operating in RACES for emergencies, tests or government sponsored exercises may retransmit the signals of a station operating in RACES.

(2) Propagation and weather forecast information intended for use by the public and originated from United States Government stations,

(3) Communications, including incidental music, originating on United States Government frequencies between a manned spacecraft and its associated Earth stations. Prior approval for manned spacecraft communications retransmissions must be obtained from the National Aeronautics and Space Administration. Such retransmissions must be for the exclusive use of amateur radio operators.

(4) Propagation, weather forecasts, and manned spacecraft communications retransmissions may not be conducted regularly, but only occasionally, as an incident of normal amateur radio communications.

Amend §97.113(d) to read

No amateur station, except an auxiliary, repeater, ~~or~~ space station, **or a station operating in RACES,** may automatically retransmit the radio signals of other amateur station.

6) Third party communications restrictions should be more liberal in emergencies.

Amend §97.115(b)(1) For **stations operating in RACES or** when the control operator is present at the control point and is continuously monitoring and supervising the third party's participation; and

Amend §97.115(c) No station may transmit third party communications while being automatically controlled except a station transmitting a RTTY or data emission **or a station operating in RACES.**

7) Eliminate Novice and Advanced Classes of license. These licenses have not been issued for over a quarter century. All of them have been renewed at least once. They are irrelevant to any incentive licensing schemes that are presently considered. We recommend that all Novice class licenses be upgraded to Technician class and all Advanced licensees to Extra class. This will only require a minor operation on the ULS database. The following rule changes will implement a simplification of the rules.

Delete §97.301 (c)

Amend §97.301(e) Delete reference to Novice Class

Delete §97.301(c)

Amend §96.301(c)(2) Delete reference to Novice Class

Delete 97.313(d)–(e)

Delete §97.507(A)(1)

Amend §97.507(a)(2) delete reference to Advanced class

Amend §97.509(b)(3) (i)–(ii) delete reference to Advanced class

8) Remove reservation for CW emissions on certain band segments. Authorize CW and narrow bandwidth data in these segments instead. Certain band segments were reserved for Novice and Technician class licensees to practice CW. Several VHF band segments were restricted to CW for weak signal operations. CW is no longer the most effective weak signal mode and amateur licensing no longer requires proficiency in CW. There is no purpose for restricting these bands to CW only.

The FCC has a pending Further Notice of Rulemaking in WT Docket 16-239 regarding data bandwidth in the 2200 meter and 630-meter bands. These bands are very narrow frequency segments. FCC may wish to consider the data bandwidth proposed for §97.305(a) below for those bands for consistency in this other proceeding.

Amend §97.305(a) To read:

> Except as specified elsewhere in this part, an amateur station may transmit a CW **or data emission with a bandwidth of 500 Hz * or less** on any frequency authorized to the control operator.
>
> * Note: The FCC may wish to specify bandwidth at 310 Hz as an alternative. This would eliminate several popular data modes, such as Domino FXB, Feld-Hell, MFSK22 and 31, medium speed Olivia, BPSK125 and others, but permit many narrow band weak signal modes. A further decrease to 250 Hz from 310 Hz would unfortunately exclude many of the popular weak signal modes such as low speed Olivia, MFSK11, FSQ, MFSK16, and DominoEX11.

Delete §97.307(f)(9) and (10)

9) Eliminate certification of external RF power amplifiers. These rules prohibited amplifiers that would be used with CB radios. CB radio is no longer a significant issue, and the rules make amateur amplifiers more expensive to market.

Delete §97.315
Delete §97.317
Additionally
Delete §2.815

10) Earth stations Meteor scatter is highly effective on the 6-meter band. Stations operating by meteor scatter are Earth Stations. The regulations should specifically permit this use.

Amend §97.209(b)(2) to read:

> The 7.0-7.1 MHz, 14.00-14.25 MHz, **50.0-50.3 MHz**, 144-146 MHz, 435-438 MHz, 1260-1270 MHz and 2400-2450 MHz, 5.65-5.67 GHz, 10.45-10.50 GHz, and 24.00-24.05 GHz segments.

11) Earth Stations should be permitted to operate with high power levels, provided the main beam of the antenna is aligned well above the local horizon. This power increase will permit more effective meteor scatter, control of amateur satellites and Moonbounce operation. It may permit eventual success in achieving Marsbounce, Venusbounce and asteroidbounce operation. This proposed rule ensures that amateur radio earth stations will not transmit more signal toward other terrestrial stations than a terrestrial station would produce.

Amend §97.313(b) To read:

> No station **except an Earth station operating in accordance with §97.209(c)** may transmit with a transmitter power exceeding 1.5 kW PEP.

Add §97.209(c)

> Earth Stations where the main lobe of the transmitting antenna is aligned more than half of the antenna's half power beam width above the local horizon, may transmit with a transmitter power may not exceed 3.0 kW PEP.

12) Amateur stations operating in RACES must be permitted to employ encryption while responding to emergencies as a resource of a jurisdiction. In an emergency, it is necessary to provide secure and authenticated communications for several reasons, particularly the following:

> Operational security - Emergency response requires that the deployment of assets be deployed in a way to avoid interaction with criminal, terrorist, or other nefarious entities. Encryption provides the assurance that only parties that should have information receive it, and that the addressee of the message can be confident of its source.
>
> Privacy–Many of the functions that amateur radio volunteers will be called upon will require the transmission of personal information, such as name, shelter location, condition, (safe, injured, deceased, etc.) This information must be transmitted securely.
>
> Law–HIPAA requires that patient information be transmitted in a secure method by law. Amateur radio operators have no legal requirement to maintain privacy, but the health practitioners may not transmit patient data by insecure means.
>
> Law Enforcement–Amateur Radio operators may be called upon to assist law enforcement to transmit information which may be sensitive to the investigation. Encryption and authentication are necessary to assure a chain of custody of factual evidence and protection of law enforcement personnel.

Section 97.309 proscribes obfuscation of messages by digital codes. Amateur stations operating in RACES must be able, for emergency response and exercises, to use encryption to provide a usable resource without compromising the three requirements that require it.

Amend §97.309(b)

> Where authorized by §§ 97.305(c) and 97.307(f), a station may transmit a RTTY or data emission using an unspecified digital code, except to a station in a country with which the United States does not have an agreement permitting the code to be used. RTTY and data emissions using unspecified digital codes must not be transmitted for obscuring the meaning of any communication, **except encryption by equipment using standards defined codes by amateur stations operating in RACES. Encryption may only be employed for response to an emergency, for a government sponsored exercise, equipment testing and for group training.** When deemed necessary by a Regional Director to assure compliance with the FCC Rules, a station must:
>
> (1) Cease the transmission using the unspecified digital code;
>
> (2) Restrict transmissions of any digital code to the extent instructed;
>
> (3) Maintain a record, **except where prohibited by law, convertible** to the original information, of all digital communications **originated** ~~communicated.~~

12) Civil Defense is no longer the name of any function of government. Substitute “Emergency Management” for “Civil Defense” in each place that it occurs in all FCC rules.

These proposals are submitted in hopes that they will enable amateur radio operators to be more valuable assets to emergency managers to aid in responding to the many emergencies that our nation is facing. They will, in many cases decrease the burden of administering the Amateur Radio Service.

Respectfully Submitted

Edward A Schober, PE
Amateur Radio Licensee W2TED
CEO Communications Volunteer Institute